

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: June 29, 2023
JUDGE: Brett H. Ludwig
CASE NO.: 19-cv-0781
CASE NAME: English et al. v. City of Milwaukee et al.
MATTER: Final Pre-Trial Conference
APPEARANCES: A. Steven Porter, Laurence J. Dupuis, Christine A. Donahoe, Emma Smith
Shakeshaft, R. Timothy Muth, Attorneys for Plaintiffs
Clint B. Muche, Jennifer L. Williams, Stacy J. Miller, Attorneys for
Defendants

TIME: 9:08 a.m. – 10:30 a.m.
COURTROOM DEPUTY: Julie D.
COURT REPORTER: Jennifer Stake

The Court held a final pre-trial conference with counsel for the parties. Counsel reported on the status of the case, gave their opinions as to how the upcoming trial should proceed, and supplemented their arguments in support of motions in limine. The Court described trial procedures and ruled on motions in limine.

For the reasons stated on the record, and subject to the Court's clarifications,

IT IS HEREBY ORDERED THAT Plaintiffs' first motion in limine to exclude all news media reports as well as video and photo evidence of rioting, protests, and general civic unrest recorded prior to August 30, 2016, ECF No. 121, is **GRANTED** as unopposed.

IT IS FURTHER ORDERED THAT Plaintiffs' second motion in limine to show all potential jurors an unconscious bias video from the Western District of Washington, ECF No. 122, is **DENIED**.

IT IS FURTHER ORDERED THAT Defendants' first motion in limine to preclude golden rule arguments, ECF No. 118 at 1, is **GRANTED** as unopposed.

IT IS FURTHER ORDERED THAT Defendants' second motion in limine to bar any argument that the jury should send a message to the City of Milwaukee with its verdict or award of punitive damages, ECF No. 118 at 2, is **GRANTED in part**. Plaintiffs may not argue that the jury should send a message to the City of Milwaukee. The Court reserves ruling on the remainder

of the motion, specifically, arguments for punitive damages imposed on the individual defendants, until the close of evidence.

IT IS FURTHER ORDERED THAT Defendants' third motion in limine to exclude evidence of lost income, medical expenses, and/or lay opinions regarding physical or mental diagnosis for Jarrett English, ECF No. 118 at 2, is **GRANTED in part** and **DENIED in part**. Plaintiffs may not present evidence of Mr. English's past and future medical expenses. Mr. English may, however, testify to any mental distress, pain and suffering that are within his first-hand knowledge. Plaintiffs may also present evidence of Ms. McGowan's special damages, as well as Mr. English's mental distress, pain, and suffering.

IT IS FURTHER ORDERED THAT Defendants' fourth motion in limine to exclude evidence, argument, or innuendo of a "code of silence" among police officers, ECF No. 118 at 2–3, is **GRANTED** as unopposed.

IT IS FURTHER ORDERED THAT Defendants' fifth motion in limine to bar reference to violations of police department rules, policies, regulations, or general orders, ECF No. 118 at 3–4, is **DENIED**. Plaintiffs may not argue that violations of police department rules, policies, regulations, and general orders are sufficient to establish a constitutional violation, but may offer evidence of such violations if relevant to disputed issues, including motive or intent.

IT IS FURTHER ORDERED THAT Defendants' sixth motion in limine to exclude presentation of unrelated police misconduct of any of the defendants and/or other police personnel or law enforcement in general, including other lawsuits, ECF No. 118 at 4–5, is **GRANTED in part** and **DENIED in part**. Plaintiffs may not present evidence of unrelated police misconduct or other lawsuits, but may present evidence as to the alleged misconduct in this case.

IT IS FURTHER ORDERED THAT Defendants' seventh motion in limine to introduce news media reports regarding the civil unrest in the area of Sherman Park between August 13, 2016 and August 30, 2016, ECF No. 118 at 5–6, is **DENIED** as moot, given Defendant's withdrawal of the request.

Dated at Milwaukee, Wisconsin on June 29, 2023.

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge